

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CV-536-BO

ALICE ANNETTE HOWELL and BURL
ANDERSON HOWELL,
Appellants,

v.

NUCAR CONNECTION, INC., ALLY
FINANCIAL, INC., and the STATE of
DELAWARE,
Appellees.

ORDER

This cause comes before the Court on appellants' motion [DE 48]. For the reasons discussed below, that motion is denied.

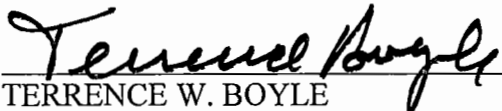
Appellants originally appealed to this Court from the bankruptcy court on October 23, 2017. [DE 1]. The Court dismissed their appeal on April 9, 2018. [DE 42]. Appellants then noticed their appeal to the Fourth Circuit. [DE 45]. On June 15, 2018, appellants filed the instant motion in this case. The motion is titled "Motion for Relief from Attached Order." The attached order is the original bankruptcy court order, and the motion is addressed to the "Fourth Circuit U.S. Court of Appeals."

Filing a notice of appeal grants jurisdiction of a case to the court of appeals and takes it away from the district court. *Doe v. Public Citizen*, 749 F.3d 246, 258 (4th Cir. 2014). Rule 59 of the Federal Rules of Civil Procedure provides a limited exception to this. A district court may consider a party's motion to alter or amend judgment after an appeal is docketed if the motion is made within 28 days of the entry of judgment. Fed. R. Civ. P. 59; *see also Zinkand v. Brown*, 478 F.3d 634, 637 (4th Cir. 2007).

Appellants' motion is a jumble of disconnected sentences addressed to the Fourth Circuit. This court no longer has jurisdiction over the case, as appellants have noticed their appeal. To the extent appellants' motion can be construed as a motion under Rule 59, it is dismissed as untimely, as judgment was entered in this case on April 9, 2018.

The motion [DE 48] is DENIED.

SO ORDERED, this the 12 day of July, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE